

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN MCCALL and JAMES RAM,)
Plaintiffs,)
vs.) No. 4:10-cv-00269-JAR
MONRO MUFFLER BRAKE, INC.,)
d/b/a AUTOTIRE CAR CARE CENTER,)
and)
AM-PAC TIRE DIST. INC.,)
Defendants.)

JOINT NOTICE TO COURT REGARDING PROPOSED SETTLEMENT

The parties to this litigation believe that they have reached a settlement of this matter, and they are jointly filing this Notice to advise this Court of their intentions. This Court entered its Order denying Plaintiffs' Rule 59(e) motion to amend on July 8, 2013. This Court's jurisdiction will thus end after August 7, 2013. The Plaintiffs in this case intend to file a notice of appeal on or prior to August 7, 2013.

Subsequent to the filing of that notice of appeal, the parties, currently in the process of drafting the paperwork for their proposed settlement, intend to file a Rule 62.1 Motion for an Indicative Ruling by this Court (and a motion to stay briefing in the Eighth Circuit Court of Appeals).

At that time, the parties will look to this Court for a ruling on that Rule 62.1 Motion, in order that the parties can fully present a motion for approval of settlement to this Court. If this Court, pursuant to Rule 62.1, indicates that it would approve such settlement, the parties would

then file a motion to remand to the Court of Appeals, pursuant to Rule 12.1 of the Federal Rules of Appellate Procedure.

Counsel to the parties are willing to make themselves available to discuss this matter with this Court at any time.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been filed with the Court using the CM/ECF electronic filing system on this the 5nd day of August, 2013, to all parties of record.

/s/ Erich Vieth